

Brian Johnson filed a claim during the month of June, 2000, in the amount of \$50,000 for alleged damages incurred as the result of an accident involving a Lincoln police vehicle. This claim has been referred to the City's fleet carrier and is **PENDING**.

Dixie Munson filed a claim during the month of August, 2000, in the amount of \$10,000.00 for an injury incurred to her minor daughter, Ashley Munson, at the Star City Shores. This claim is under review and is **PENDING**.

Scott Williams filed a claim during the month of September, 2000, in the amount of \$75,000 for injuries incurred when he fell off bleachers during a Lincoln Lightning football game at Pershing Auditorium. This claim has been referred to the insurer for Pershing Auditorium and is **PENDING**.

Margaret A. Warner filed a claim during the month of September, 2000, in the amount of \$18,299.00 for alleged injury incurred when claimant was a passenger on a StarTran bus. This claim is under review and is **PENDING**.

Roland F. Bouska filed a claim during the month of September, 2000, in the amount of \$10,000 for alleged damages incurred as the result of an accident involving a Lincoln police vehicle. This claim has been referred to the City's fleet carrier and is **PENDING**.

Joseph Rinke Jr. filed a claim during the month of October, 2000, in the amount of \$426.00 for damage incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

Country Club Apartments filed a claim during the month of October, 2000, in the amount of \$350.00 for alleged damage incurred to landscaping as the result of a water main break. This claim is under review and is **PENDING**.

Dale S. Nelson filed a claim during the month of October, 2000, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant alleges that the accident was the result of a police pursuit of a vehicle which struck his vehicle. This claim is under review and is **PENDING**.

State Farm Insurance Co. (Robin & Trenton Baker, Insureds) filed a subrogation claim during the month of November, 2000, for property damage in the amount of \$3,075.44 and bodily injury in an unspecified amount incurred as the result of an accident involving a StarTran bus. This claim is under review and is **PENDING**.

The Estate of Traci Prickett filed a wrongful death claim during the month of November, 2000, in the amount of \$500,000 as the result of a motor vehicle accident allegedly related to an attempt by Lincoln police to apprehend the driver of one of the vehicles in the accident. This claim is under review and is **PENDING**.

Cindy Schumacher filed a claim during the month of December, 2000, in the amount of \$500,000 for alleged injury incurred when claimant was allegedly struck by a water bottle that was thrown into the stands by a cheerleader at a Lincoln Lightning football game at Pershing Auditorium. This claim has been referred to the insurer for Pershing Auditorium and is **PENDING**.

Robert Blankenship filed a claim during the month of December, 2000, in the amount of \$950,000 for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim is under review and is **PENDING**.

Jason Blair filed a claim during the month of December, 2000, in the amount of \$1,000,000 for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim is under review and is **PENDING**.

Larry Robertson filed a claim during the month of December, 2000, in an unspecified amount for alleged damage incurred to his vehicle when it was struck by snow removal equipment. This claim is under review and is **PENDING**.

Husker Cabs Inc. filed a claim during the month of January, 2001, in the amount of \$1,897.04 for alleged damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **PENDING**.

Travis Parker filed a claim during the month of January, 2001, in an unspecified amount for alleged damage incurred to his lawn as the result of snow removal activity. This claim is under review and is **PENDING**.

Rick Menke filed a claim during the month of January, 2001, in the amount of \$737.58 for damage incurred to his vehicle when it was allegedly struck by a City of Lincoln fire truck. This claim has been referred to the City's fleet carrier and is **PENDING**.

James Kisling filed a claim during the month of January, 2001, in an unspecified amount for alleged damage incurred to lawn and sprinkler system as the result of snow removal activity. This claim is under review and is **PENDING**.

Larry P. Scott filed a claim during the month of January, 2001, in the amount of \$448.50 for damage allegedly incurred to the door of his rental property as the result of the execution of a "no knock" warrant by Lincoln police. This claim has been reviewed by this office and has been **SETTLED** in the amount of \$360.00.

Stuart Howerter filed a claim during the month of January, 2001, in an unspecified amount for alleged damages incurred as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

George J. Ciani filed a claim during the month of January, 2001, in an unspecified amount for alleged damage incurred to his lawn and sprinkler system as the result of snow removal activity. This claim is under review and is **PENDING**.

Little Kingdom filed a claim during the month of January, 2001, in an unspecified amount for alleged damage incurred to lawn as the result of snow removal activity on the hiker/biker trail adjacent to claimant's property. This claim is under review and is **PENDING**.

The Estate of J. Michael Lawlor and Sue Lawlor filed claims during the month of February, 2001, in unspecified amounts alleging negligence by Lincoln Fire Department personnel in their care and treatment of J. Michael Lawlor. These claims are under review and are **PENDING**.

Michael A. Miller filed a claim during the month of February, 2001, in the amount of \$391.24 for damage allegedly incurred to his vehicle as the result of an accident involving a City-owned vehicle. This claim has been referred to the City's fleet carrier and is **PENDING**.

George Jackson Jr. filed a claim during the month of February, 2001, in an unspecified amount for damage incurred to his vehicle when it was allegedly struck by a snow plow. This claim is under review and is **PENDING**.

Francisco and Monica Farias filed a claim during the month of February, 2001, in the amount of \$530.00 for expenses incurred as the result of a sanitary sewer back-up at their residence. This claim is under review and is **PENDING**.

Amber Hallauer filed a claim during the month of February, 2001, in the amount of \$292.19 for damage allegedly incurred to her vehicle as the result of a pothole. This claim is under review and is **PENDING**.

Jonathan D. Cannon filed a claim during the month of February, 2001, in an unspecified amount for damage allegedly incurred to his vehicle as the result of a broken manhole cover. This claim is under review and is **PENDING**.

Anita Scofield filed a claim during the month of February, 2001, in the amount of \$476.86 for damage incurred to her vehicle when it was allegedly struck by a City snow plow. This claim has been referred to the City's fleet carrier and is **PENDING**.

Peoples Natural Gas filed a claim during the month of February, 2001, in the amount of \$429.03 for damage incurred to vehicle when it was allegedly struck by a City snow plow. This claim has been referred to the City's fleet carrier and is **PENDING**.

CLAIMS FILED FEBRUARY 16 THROUGH FEBRUARY 28, 2001:

Melissa Hurst filed a claim in the amount of \$45.00 for reimbursement of tow fees. This claim has been reviewed by this office and has been **ALLOWED** in the amount of \$45.00.

Jerry Greiner filed a claim in the amount of \$500 for damage allegedly incurred to his vehicle as the result of a pothole. This claim is under review and is **PENDING**.

Eileen E. Rich filed a claim in the amount of \$91.42 for damage allegedly incurred to her vehicle when she drove off the street and struck debris in the grass. This claim has been reviewed by this office and has been **DENIED**.

Rita M. Lester filed a claim in the amount of \$352.48 for damage allegedly incurred to her vehicle as the result of a pothole. This claim is under review and is **PENDING**.

Tesfaye W. Alibe filed a claim in the amount of \$87.50 for reimbursement of tow fees and parking fine. This claim has been reviewed by this office and has been **DENIED**.

Fleming's Flower Fields, Inc. filed a claim in the amount of \$1,000,000 for alleged damages incurred when the City's contractor on a sewer project, Dobson Brothers Construction, allegedly crossed the

easement line on claimant's property and excavated claimant's Hibiscus plants. This claim is under review and is **PENDING**.

Jeffrey W. Hayes filed a claim in an unspecified amount for damage allegedly incurred to door of rental property when Lincoln police were attempting to serve a search warrant. This claim has been reviewed by this office and has been **DENIED**.

Shawna McGinn filed a claim in an unspecified amount for vehicle sold at auction. This claim is under review and is **PENDING**.

Mark and Mary Cuddy filed a claim in the amount of \$19,342.46 for alleged damages incurred as the result of a sanitary sewer back-up at their residence. This claim is under review and is **PENDING**.

Doug and Janette Roth filed a claim in the amount of \$31,540.46 for alleged damages incurred as the result of a sanitary sewer back-up at their residence. This claim is under review and is **PENDING**.

PENDING TORT LITIGATION:

Weston F. & Betty Benjamin filed a claim during the month of July, 1994, against the City of Lincoln d/b/a Lincoln General Hospital for alleged injuries incurred when a nurse allegedly improperly placed an intramuscular injection in Mr. Benjamin's hip. This claim has been referred to Lincoln General Hospital's insurance carrier. Counsel for claimant filed a petition in the Lancaster County District Court on May 30, 1996. Neil Danberg is the attorney assigned by Phico Insurance Company to undertake the defense of this case for the City of Lincoln d/b/a Lincoln General Hospital. On March 16, 2000, District Court Judge Bernard J. McGinn awarded \$872,615 to Weston Benjamin. This case has been appealed to the Nebraska Court of Appeals and is **PENDING**.

Bill L. and Becky A. Ocker filed a claim during the month of May, 1997, against the City of Lincoln d/b/a Lincoln General Hospital in the amount of \$2,500,000 for damages incurred as the result of alleged negligence by employees and agents of Lincoln General Hospital in failing to meet the applicable standard of care in the labor of Becky Ocker and the delivery of McKenzie Ocker resulting in permanent injuries to McKenzie Ocker. A claim in the amount of \$7,500,000 has also been filed on behalf of McKenzie Mae Ocker, by and through her parents and next friends, Bill L. and Becky A. Ocker. These claims have been referred to Phico Insurance Company, which is the hospital's liability carrier. Counsel for claimants has filed two petitions in the Lancaster County District Court on November 25, 1997. Mark Christensen is the attorney assigned by Phico Insurance Company to undertake the defense of this case for the City of Lincoln d/b/a Lincoln General Hospital. Litigation is **PENDING** in both cases.

Teri and Matthew Juranek filed a claim during the month of June, 1998, in the amount of \$40,000 for alleged damages incurred as the result of an accident involving a Lincoln police vehicle. Council for claimants withdrew his clients' claim and filed a petition in the District Court of Lancaster County on May 25, 1999. Litigation is **PENDING**.

Michael C. and Anamaria Jarecke filed a claim during the month of February, 1999, in the amount of \$200,000 for damages incurred as the result of an accident involving the StarTran "fun" bus on July 31, 1998. Counsel for claimants withdrew his clients' claim on August 19, 1999, and filed a petition in the District Court of Lancaster County on August 30, 1999. Litigation is **PENDING**.

George Sadd filed a claim during the month of February, 1999, in the amount of \$1,000,000 for alleged injuries sustained when he fell while jogging on the Murdock Trail. Counsel for claimant withdrew his client's claim on September 3, 1999, and filed a petition in the Lancaster County District Court. Litigation is **PENDING**.

Mary Owens, Personal Representative of the Estate of Richard R. Owens, filed claims for damages arising from the hospitalization and subsequent incarceration of the deceased, Richard R. Owens. The claim against Lincoln General Hospital was referred to the new owners of the hospital. The claim concerning the deceased's incarceration was reviewed by this office and denial was approved by the City Council on August 31, 1998. Petitions have been filed in the Lancaster County District Court and litigation is **PENDING**.

Woo Yol Chung filed a claim during the month of March, 1999, in the amount of \$1,000,000 for injuries incurred while working in the Lincoln-Lancaster County Hall of Justice and Law Enforcement Center. This claim was addressed to the Lincoln City Council, but the claim itself is a claim against the Lincoln-Lancaster County Public Building Commission. Counsel for claimant, by letter of June 2, 1999, asserted that his client has filed a claim against the City of Lincoln. Counsel for Mr. Chung was advised that the alleged claim has not been filed against the City of Lincoln and it was recommended to the Lincoln City Council not to consider the March 2, 1999, letter nor the June 2, 1999, letter. On November 16, 1999, counsel for Mr. Chung filed a petition in the Lancaster County District Court against the City of Lincoln, County of Lancaster, Lincoln/Lancaster County Public Building Commission, and Builders, Inc. Litigation is **PENDING**.

Raymond J. Koziol, Personal Representative of the Estates of LeAnn M. Koziol, Kevin J. Koziol, Aaron J. Koziol, and Raymond J. Koziol, individually and as father and next friend of his minor children, Matthew R. Koziol and Brian L. Koziol, filed claims on April 13, 1999, in an amount totaling \$5,100,000. These claims involve an automobile accident that occurred on April 15, 1998, at the intersection of 70th & Pine Lake Road. Claimant alleges that the proximate cause of the accident was the presence of construction equipment which was parked next to the roadway and allegedly prevented LeAnn Koziol, who was the driver of the family's van, from seeing the stop sign. T.J. Osborn Construction was contracted by the City of Lincoln to conduct the work that was being performed at 70th & Pine Lake Road. This claim was withdrawn by claimant's counsel on October 21, 1999. On March 24, 2000, counsel for Mr. Koziol filed five separate petitions in the Lancaster County District Court against T.J. Osborn Construction Company, the County of Lancaster and City of Lincoln, Nebraska. Litigation is **PENDING**.

Alan Patocka filed a claim during the month of July, 1998, in an unspecified amount for alleged injuries incurred when he fell out of his wheelchair on a StarTran bus. This claim was withdrawn by counsel for claimant on March 6, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on March 2, 2000. Summons and petition were served upon the City of Lincoln on June 23, 2000. Litigation is **PENDING**.

The Estate of Rachel Quintana and her children, Catalina Quintana, Thomas Quintana, Randy Quintana, Samuel Quintana, Felisa Quintana, and Victoria Gallegos, filed a claim in the amount of \$500,000 during the month of November, 1999, for damages incurred when Rachel Quintana fell from her wheelchair while exiting a StarTran Handivan. Counsel for claimants withdrew his clients' claim on July 6, 2000, and filed a petition in the Lancaster County District Court on July 20, 2000. Litigation is **PENDING**.

Sharon and Larry Zweerink filed claims in the amounts of \$250,000 for Sharon Zweerink and \$100,000 for Larry Zweerink during the month of July, 1999, for damages incurred as the result of Sharon Zweerink's fall on a City sidewalk. This claim was reviewed by this office and denial was approved by the City Council on January 20, 2000. Counsel for claimants filed a petition in the Lancaster County District Court on July 20, 2000. Litigation is **PENDING**.

Gail P. Frasier filed a claim during the month of December, 1999, in an unspecified amount for alleged injury incurred as the result of falling on a sidewalk. This claim was reviewed by this office and denial was approved by the City Council on January 20, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on September 25, 2000. Plaintiff prays for special damages in the amount of \$13,500.00 and general damages. Litigation is **PENDING**.

Brian Harman filed a claim during the month of October, 1999, in an unspecified amount for alleged injuries incurred as the result of a motor vehicle accident involving a City-owned vehicle. Claimant was a passenger in a vehicle that was rear-ended by a City-owned vehicle. This claim was referred to the City's fleet carrier. Counsel for claimant withdrew his client's claim on October 6, 2000, and filed a petition in the Lancaster County District Court on October 9, 2000. Plaintiff prays for special damages in the amount of \$2,500.00 and general damages. Litigation is **PENDING**.

Lori J. Shipferling filed a claim during the month of August, 1997, in an unspecified amount for injury incurred when claimant stepped onto an alleged defective meter vault lid. This claim was reviewed by this office and denial was approved by the City Council on March 16, 1998. Ms. Shipferling filed suit in the Lancaster County District Court against Gale and Carolyn Cook, the owners of the property where the meter vault is located, and the Cooks have filed a Third Party Petition against the City of Lincoln. Litigation is **PENDING**.

Mark Hundley filed a claim during the month of May, 2000, for damages incurred when he was struck by a rock while riding his motorcycle. Claimant alleges the rock was thrown from a City mowing machine. This claim was reviewed by this office and denial was approved by the City Council on July 31, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on December 1, 2000. Plaintiff prays for special damages in the amount of \$979.92 and general damages. Litigation is **PENDING**.

Dawn R. McFarland filed a claim during the month of June, 2000, in the amount of \$6,888.00 for alleged damages incurred as the result of a fallen tree. Denial of this claim was approved by the City Council on October 25, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on January 19, 2001. Plaintiff prays for special damages in the amount of \$6,828.50 and general damages in the amount of \$15,000.00. Litigation is **PENDING**.

Sandra Stodola filed a claim during the month of October, 2000, in an unspecified amount for injury allegedly incurred when she tripped on a sidewalk. Denial of this claim was approved by the City Council on February 5, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on February 1, 2001. Litigation is **PENDING**.

Mayor & City Council

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March 1, 2001

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management